

Amendment
Serial No. 10/051,048
Attorney Docket No. 020011

REMARKS

Claims 1-20 are pending in the present application and are rejected. Claims 1, 8, 11 and 19 are herein amended.

Applicants' Response to Claim Rejections under Claim Rejections under 35 U.S.C. §102

Claims 1, 3, 4 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by DeWolf et al. (U.S. Patent Application No. 2002/0032626).

It is the position of the Office Action that **DeWolf** discloses the invention as claimed. It is noted that in the previous Office Action, claim 1 was rejected as being obvious over **DeWolf** in view of **Dinapoli**. The previous Office Action stated that “**DeWolf** et al however failed to disclose a usage data collection step in which, when an article has been used, usage data showing the facts relating to the usage of that said article are collected.” April 28, 2005 Office Action, page 7. Claim 1 has since been narrowed, but retains the limitation of usage data collection step. In the pending rejection of claim 1, the Office Action does not address this limitation of claim 1, and provides no proof of the limitation being disclosed or suggested by **DeWolf**.

DeWolf discloses a global asset information registry in which one or more parties may add information to an asset record. These may include an owner, seller, insurer, manufacturer, etc. Each of these parties may add information to the asset record based on their related transaction. Once added, this information may be requested or supplied to one or more of the parties. It is noted that **DeWolf** is directed at transactional records, such as repairs, accidents, recalls, etc. Applicants submit that this is not “usage data,” but is legal or transactional data.

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In this rejection, the Office Action does not address which passage of **DeWolf** discloses a usage data collection step. However, in the later rejections, the Office Action states that **DeWolf** discloses a usage data collection step at paragraph [0148]. This passage discusses the use of a Global Positioning System to track the location of the asset. Specifically, paragraph [0148] of **DeWolf** discloses: “This general concept of a vehicle asset self-reporting its location and status (i.e. its condition such as out-of-gas or in need of a particular service), by wireless or any other means could be applied to other assets as will be evident to those skilled in the art.” **DeWolf** does not disclose any further details regarding the self-reporting of location and status of the asset.

In response, Applicants herein cancel claim 5 and amend claim 1 in order to recite that the “usage data comprises operation data that shows an amount of work done by said article.” As disclosed in the specification at page 6, lines 3-9, this may include operating time, mileage, failure data (error codes), sensor information, and load frequency. **DeWolf** does not suggest or disclose the collection of such “usage data.” Applicants respectfully submit that there is no suggestion or motivation in the cited art to provide a method including a “usage data collection step” as recited by amended claim 1. Because **DeWolf** addresses transactional or legal data, one having ordinary skill in the art would not be motivated to modify **DeWolf** by collecting usage data comprising “operation data that show an amount of work done by said article.” Additionally, it is noted that the location and status data briefly mentioned in **DeWolf** are not “usage data” as defined by amended claim 1. Favorable reconsideration is respectfully requested.

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Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Ukai et al. (U.S. Patent Application No. 2003/0191581).

It is the position of the Office Action that **DeWolf** discloses the invention as claimed, with the exception of a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from said article. The Office Action relies on **Ukai** to provide this teaching. In response, Applicants respectfully submit that claim 2 is patentable due to its dependency on claim 1, which Applicants submit is patentable for the reasons discussed above. Favorable reconsideration is respectfully requested.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Windle et al. (U.S. Patent No. 4,926,331).

It is the position of the Office Action that **DeWolf** discloses the invention as claimed, with the exception of teaching that said operation data shows an amount of work done by said article. The Office Action relies on **Windle** to provide this teaching. Applicants herein cancel claim 5, and incorporate its subject matter into claim 1, as discussed above.

With regard to amended claim 1, Applicants respectfully submit that there is no suggestion or motivation in the art to combine the references. **DeWolf** is directed at transactional or legal data, and does not suggest or disclose the collection of “usage data.” Therefore, one having ordinary skill in the art at the time the invention was made would not have been motivated to combine the teachings of **Windle** and **DeWolf**.

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Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Lancaster et al. (U.S. Patent Application No. 2002/0065707).

It is the position of the Office Action that **DeWolf** discloses the invention as claimed, with the exception of the usage data including photographic data showing actual images of the article. The Office Action relies on **Lancaster** to provide this teaching. In response, Applicants respectfully submit that claim 6 is patentable due to its dependency on claim 1, which Applicants submit is patentable for the reasons discussed above.

Claims 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Ukai.

It is the position of the Office Action that **DeWolf** discloses the invention as claimed, with the exception of teaching a current state data collecting step. The Office Action relies on **Ukai** to provide this teaching. It is noted, however, that the Office Action on page 8 and 11 contradicts itself by stating that **DeWolf** does disclose this limitation.

It is the position of the Office Action that **Ukai** discloses a current state data collecting step. **Ukai** discloses in paragraph [0007] the collection of location information via on-board navigation equipment. **Ukai** also discloses that “[t]he other piece of information, mainly, information on the driver, is transmitted to the central information management center.” **Ukai** further discloses in paragraph [0008] that “[t]he information on the user includes the name of the user, the acquisition date of the driver’s license, a driving history, and a bank account number.”

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In response, Applicants herein amend claim 8 in order to recite that the “current state data comprises article location and cumulative operating hours of said article,” as disclosed in the specification at page 9, lines 9-12. Applicants respectfully submit that this amendment is sufficient in order to distinguish over the combination of **DeWolf** and **Ukai**. Favorable reconsideration is respectfully requested.

Claims 11-15 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Ukai.

It is the position of the Office Action that **DeWolf** discloses the invention as claimed, with the exception of teaching a current state data collecting step. The Office Action relies on **Ukai** to provide this teaching. It is noted, however, that the Office Action on pages 8 and 11 contradicts itself by stating that **DeWolf** does disclose this limitation. It is also noted that the Office Action contradicts its statement in the rejection of claim 1, by stating that **DeWolf** discloses a usage data collection step.

As in the rejection of claims 8-10, the Office Action argues that **Ukai** discloses a current state data collection step. In response, Applicants herein amend claim 11 in order to recite “current state data comprises article location and cumulative operating hours of said article” and “usage data comprises operation data that shows an amount of work done by said article,” as discussed above. Applicants respectfully submit that such an amendment is sufficient to distinguish over the combination of **DeWolf** and **Ukai**. Favorable reconsideration is respectfully requested.

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Claims 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Ukai in further view of Lancaster.

It is the position of the Office Action that the combination of **DeWolf** and **Ukai** disclose the invention as claimed, with the exception of the usage data including photographic data showing actual images of the article. The Office Action relies on **Lancaster** to provide this teaching. In response, Applicants respectfully submit that claim 17 is patentable due to its dependency on claim 11, which Applicants submit is patentable for the reasons discussed above.

It is the position of the Office Action that the combination of **DeWolf** and **Ukai** disclose the invention as claimed, with the exception a download step of downloading the usage history or service history for said article, which are stored in said database, to a terminal used by said customer via a network. The Office Action relies on **Lancaster** to provide this teaching. In response, Applicants herein submit that claim 18 is patentable due to its dependency on claims 11 and 13, which Applicants submit are patentable for the reasons discussed above.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Ukai in further view of Windle.

It is the position of the Office Action that the combination of **DeWolf** and **Ukai** disclose the invention as claimed, with the exception of teaching that said operation data shows an amount of work done by said article. The Office Action relies on **Windle** to provide this

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teaching. Applicants herein cancel claim 16 for similar reasons as those relating to claim 5, as discussed above.

With regard to amended claim 11, Applicants respectfully submit that there is no suggestion or motivation in the art to combine the references. **DeWolf** is directed at transactional or legal data, and does not suggest or disclose the collection of “usage data.” Therefore, one having ordinary skill in the art at the time the invention was made would not have been motivated to combine the teachings of **Windle** and **DeWolf**.

Claims 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeWolf in view of Lancaster.

It is the position of the Office Action that **DeWolf** discloses the invention as claimed, with the exception of teaching a usage data collection means. The Office Action relies on **Lancaster** to provide this teaching. It is noted, however, that the Office Action on page 18 contradicts itself by stating that **DeWolf** does disclose this limitation.

In response, Applicants herein amend claim 19 in order to recite that the “usage data comprises operation data that shows an amount of work done by said article.” As disclosed in the specification at page 6, lines 3-9, this may include operating time, mileage, failure data (error codes), sensor information, and load frequency. **DeWolf** does not suggest or disclose the collection of such data. Applicants respectfully submit that that this amendment is sufficient to distinguish over **DeWolf** in view of **Lancaster**. Favorable reconsideration is respectfully requested.

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For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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